Communication Strategy for the Judiciary of Azerbaijan

Brigitte Koppenhöfer August 2020







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Preliminary Remarks

First of all, many thanks to Vafa Rovshanova and Leyla Madatli, who made this paper possible in the first place through their support, ideas and cooperation by numerous interviews and other information about the justice system in Azerbaijan.

The CEPEJ published a "Guide on Communication with the Media and the Public for Courts and Prosecution Authorities" (https://rm.coe.int/cepej-2018-15-en-communication-manual-with-media/16809025fe). Another fundamental guide is "Opinion No. 7 (2005) of the Consultative Council of European Judges (CCJE) to the Attention of the Committee of Ministers of the Council of Europe on Justice and Society", adopted by the CCJE at its 6th meeting, Strasbourg, 23-25 November 2005 (https://www.coe.int/en/web/ccje/opinion-n-7-on-justice-and-society).

CEPEJ published as well "Breaking up judges' isolation", guidelines to improve the judge's skills and competences, strengthen knowledge sharing and collaboration, and move beyond a culture of judicial isolation, document adopted by the CEPEJ at its 33rd plenary meeting, on 5-6 December 2019 (https://rm.coe.int/cepej-2019-15-en-knowledge-sharing/16809939e4)

For further information see: https://www.coe.int/en/web/cepej/gt-qual-tools

These guides are the basis of the subsequent communication strategy for internal and external communication.

To prepare for the analysis, I developed a questionnaire that Leyla Madatli used as a basis for her interviews and online researches.

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Introduction

Justice must be done and must be seen to be done. "Seen to be done" means allowing the media to report on court proceedings and enabling the public to visit and understand the court proceedings.

Public interest in the judiciary has increased in recent years in all countries. Media play a dominant role in the way judicial information is disclosed. Journalists are the eyes and ears of the general public; the public's perception of and trust in the judiciary depends to a large extent on the way the media report. But the judiciary should not merely rely on the media to communicate. They should also inform the public in a direct way, because we know that media coverage is not always fair and balanced.

The mission of judges and court representatives is to convey the messages of the court and show citizens that the judiciary, as the third branch of government, plays an extremely important role in their everyday lives. In a democratic society citizen have the right to be informed about the work of the courts. Through good communication courts can have educative role and also, by proper and timely communication with media, act on prevention of human rights violations, that are very often seen in sensational reporting in media.

While it is necessary to develop openness towards media, it should be always born in mind that the duty of judicial branch is to protect right of privacy, presumption of innocence, right to fair trial, right of victims. It is therefore necessary to develop balance between legitimate right of public to be informed and to be critical on the work of the courts, and rights of all those involved in judicial proceedings. It is not always an easy task and courts very often keep an old traditional attitude – "it is safe to be quiet" or "a judge speaks by his judgement".

The main rule of the good communication strategy should be that communication of courts with public should always be proactive. If courts don't tell their story, someone else will. First story out shapes message, second story is always reactive. Judiciary should either work with the press or they will work without the judiciary.

In order to enhance the public trust in the judiciary, two major targets can be defined: it is essential to establish good relations between the judiciary and the media and secondly, between the judiciary and the public. Of course, the media are part of the public; nevertheless, direct contact with the general public opens up further communication options.

For both targets, a long-term strategy is needed in which it is essential to set long term goals and determine its long-term activities.

The strategy focuses on what the judiciary can do and gives practical support in internal and external communication.

It is obvious that it is essential to determine the ownership for the implementation of the strategy. The ambition and the pace of development will depend on the degree of commitment to common core values as well as the will and capacity to implement agreed priorities. Therefore, it is essential to belay the development of an implementation plan of the strategy.

Ongoing evaluations should ensure that progress is made towards achieving the targets and goals. Periodic reports on progress and on areas requiring further or stronger efforts should be drawn.

1. Enhancing the trust in the judiciary

The core values of the judiciary should be in accordance with the perception of the public. The public's trust in the judiciary will increase if the judiciary succeeds in making its **impartiality**, **independency**, **integrity** and **professionalism** visible¹.

In order to enhance public's trust in the judiciary, two targets were defined: improving relations between the judiciary and the media as well as improving relations between the judiciary and the public. It is without saying that internal communication serves both purposes and follows the same rules.

Target I: Improve relations between the judiciary and the media

Freedom of expression is a cornerstone in each democratic system. Both in relation to broadcasting and to the press, the judiciary is required to create the conditions necessary to enable the media to fulfil the crucial role they play in keeping the public informed.

Assuming that trust in the judiciary is mainly based on how proceedings are reported in the press, it is clearly important that the channels of communication between the judiciary and the media must be transparent and open. The judiciary has to provide the information they are allowed to share with the journalists in time.

As a starting point, there has to be mutual respect between the two professions: judges shall not seek to influence journalists on how to do their reporting, journalists will not interfere in the judges' task of finding and writing verdicts. The judiciary has to respect the freedom of press and the media have to work within the boundaries of law.

Target II: Improve relations between the judiciary and the public

¹ Of course, there are also other preconditions for the people's trust, like the quality of the administration of justice.

In addition to informing the public through the media, the judiciary should consider it of great importance to get in touch with the public themselves as well. Since journalists have their own interests and communicate from their perspective, it is important to communicate with the public directly without the "translation" of journalists.

The judiciary's aim of improving the visibility and transparency of the judiciary system requires an active provision of information to the public via different means and channels.

The development of media on the internet and social networks generates a continuous stream of information in which the public and the media need to be guided. People do not look for information themselves; they wait for information to be brought to them. Thus, the notion of "public" has evolved: ensuring public access to court rooms is no longer perceived as sufficient to make a decision "public". The state of being public implies accessibility, which in turn requires bringing simple, understandable and accurate information to the widest possible range of individuals.

2. Method used

As a base for this strategy, a SWOT analysis was developed, which targeted the judiciary as well as the media. SWOT analysis is a simple but useful framework for analysing Strengths and Weaknesses, and the Opportunities and Threats that an organisation faces.

The method of SWOT analysis is to collect information from an environmental analysis and to divide the information into internal and external issues. SWOT analysis determines what may assist in accomplishing its objectives, and what obstacles must be overcome or minimized to achieve desired results.

Representatives of the stakeholders were asked by a questionnaire and several interviews to give their perspective on the strengths, weaknesses, opportunities and threats of the relations between the judiciary and the media/public. The institutions' websites were also evaluated and written inquiries answered.

The stakeholder groups were:

- Ministry of Justice
- Constitutional Court
- Supreme Court
- First Instance Court
- Prosecutor General's Office
- Independent Expert
- Academy of Justice

The input of these stakeholders was analysed and structured.

What stakeholders most frequently mentioned as strengths, weaknesses, opportunities and threats is summarized in the following matrix:

Strengths

- A change of mindset of the judiciary started
- A change of mindset of the media started
- High level of awareness of the need to strengthen the relations between judiciary and media
- Legal framework for information wellknown
- High interest in a communication strategy
- First initiatives on enhancing communication with the media
- Ethical code of courts and judges
- Unified e-court-system is already established
- Websites are already working and up-to-date

Weaknesses

- No full spokesmanship in all judicial institutions
- Insufficient internal communication structure within courts/prosecutors' offices
- Insufficient external communication tools
- News items (particularly social media) are not always within the boundaries of ethical codes
- Lack of mutual respect for each other's profession
- No or weak communication between the institutions
- No public awareness of spokespersons
- No sufficient media training yet
- Websites do not offer tools for information requests² in general
- Lack of legal knowledge by the journalists

Opportunities

- Interest of the public in the judiciary/court cases is high
- Use education of young judges/prosecutors and journalists as an instrument to change mindsets
- Mutual participation of judges/prosecutors and journalists in common education and training measures
- Utilize the will to change
- Social networks are accepted
- Some institutions already have spokespersons and/or press officers

Threats

- Prejudices against each other (judiciary/media) are deeply rooted
- No sufficient training possibilities for the spokespersons and media officers yet
- Lack of widespread judicial understanding of the need to improve communications to all media representatives
- No clear practise who is allowed to join court hearings
- No clear responsibility for information policy
- Lack of public trust in the judiciary

² The information request is regulated mainly under the Law on Obtaining Information of Azerbaijan Republic

The main objective of this paper is to create a framework for continued work on and constant improvement of internal, external and crisis communication. Also, a goal of this strategy is the constant improvement of transparency and quality outreach of the courts and prosecutorial offices.

The following activity plan makes use of the strengths and opportunities within the relations between the judiciary and the media and the judiciary and the public. Furthermore, it tackles the weaknesses and threats. All activities contribute to the core values: **impartiality**, **independency**, **integrity** and **professionalism**.

3. Activities of the strategy

The main objective is to enhance the public trust in the judiciary. To achieve this objective two targets were defined:

- 1. Improve relations between the judiciary and the media
- 2. Improve relations between the judiciary and the public

In order to reach these strategic targets different sub targets (goals) were formulated. Each goal has different activities to reach it.

3.1 Improve relations between the judiciary and the media

Goals	Activities	By whom	Frequency
Mutual understanding judiciary and media ³	Press guideline on what journalists can expect from the judiciary and vice versa	Experts, judges, prosecutors, journalists	Revision every 3 years
	Establish a procedure for complaints from media and judiciary in case the press guideline is not abided with	Judiciary, journalists	Parallel to implementation of press guideline
	Survey on 'customer satisfaction' on the press guideline	By the Ministry of Justice (MoJ), amongst the judiciary and journalists	After 2 years

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³ It is good to take into account that in general in some countries preliminary investigation on journalists is an obstacle for mutual understanding and trust.

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Short, informal meetings in court to discuss daily business like facilities and exchange experiences	Spokespersons, media officers and court journalists	Every month, at most 30 minutes each time
Working visits to the media (e.g. newspapers/magazines, TV) to talk with the journalists about their work	Spokespersons of the courts and of the prosecutor offices and court journalists	2 x per year
Meetings on legal topics under the name of "Let's talk about"	Judges, prosecutors and journalists, court correspondents	1 x per year
Up to date website with the court's agenda and all the news	Media offices	Ongoing
Up to date website with information regarding judiciary topics that are interesting for the public		
Regular press releases e.g. with summaries on verdicts, policy priorities for the coming year	Media offices	As much as possible
Regular press releases with summaries on verdicts that are interesting for the public		
Publish Questions & Answers on important cases and topics on the website	Media offices	A.s.a.p.
Information for the journalists regarding how to conduct their work (use of cameras, sitting order in the court room, when, how and		

to whom make a press release) on the website To bring the websites in line with the national legislation, including the Law on Obtaining Information of Azerbaijan Republic		
Court program by e-mail to all journalists	Media offices	Once a week
A glossary with the translation of legal terms into clear language on a webpage	MoJ	Once a year an update
Publish judgements in high profile cases after they are public immediately	Media offices	Ongoing
To make press releases regarding decisions that are interesting for the public		A.s.a.p.
Educational program for judges and prosecutors on external and internal communication	Justice Academy, Training Centre of General Prosecutor`s Office (GPO)	A.s.a.p. Periodically
Explore the possibilities for collaboration with the Faculty of Journalism of the universities	MoJ	Within 5 years Regularly
Provide good suitable facilities for the press in big court halls and in the court rooms	All the courts In all courthouses where press spokesman-ship has been established	A.s.a.p.

Increase awareness within the judiciary on the importance of communication with the media external communication	To raise the awareness internally by an awareness campaign	Media office in cooperation with court management and spokespersons	In the first year Regularly
	To establish an appropriate information structure	From judges and prosecutors towards press spokespersons	Ongoing Regularly
	Daily media clippings for all court employees on cases in their court, e.g. on the courts` intranet To equip the media communication offices with necessary technological infrastructure so that the media communication officers can follow judiciary news.	Media office of the courts and of the prosecutor offices	Every day Regularly
	Daily overview of media clippings gives information on changes regarding the national judiciary system issues for judges and prosecutors	MoJ GPO	Every day If necessary
Professionalize the press relations in the courts and the public prosecutors' offices	Institutionalization of spokesperson system in every relevant court	MoJ in cooperation with courts	A.s.a.p.

Establish well equipped media offices in every relevant court house and prosecutor's office	MoJ GPO	Within 5 years according to the strategy plan of the Ministry of Justice and the Prosecutor's General Office
Recruitment of eligible candidates for spokesman ship and media officers Incentive: reduction of regular workload of a judge selected as a spokesperson	MoJ and GPO	A.s.a.p.
Provide a training program for spokespersons	Justice Academy, Training Centre of GPO and Universities	Once a year
Develop a handbook for press relations	Media officers all together, staff of the media communication offices	A.s.a.p. If necessary
Exchange experiences and ideas nationally e.g. by creating a platform on intranet and by organizing conferences	Spokespersons and Media officers	Ongoing
To communicate through a regular system in terms of sharing information/experience amongst media communication offices		

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Develop a checklist rules that need to be respected by media for the handling of big important media sensitive cases	Spokespersons	A.s.a.p.
Develop a guide for judges and prosecutors to support them in acting in high profile and media sensitive cases To define the rules regarding the procedures that judges and prosecutors shall respect when it comes to big cases followed by the media	Media officers and spokespersons in cooperation with the MoJ and GPO	A.s.a.p.
Develop and implement a crisis communication concept in all courts and prosecution offices To define standards for conducting crises communication at big courthouses	Media offices in cooperation with external crisis institutional communication specialists (you need professional crisis management)	Regularly training and update of the concept
Good availability of media communication offices and spokespersons, at least during office hours, better 24/7	Media officers and spokespersons	A.s.a.p.

3.1.1. Explanatory remarks

Activities for increasing the mutual understanding between judiciary and media

Press guideline

The guideline can only address the judiciary; the judges and prosecutors, the spokespersons and the media officers. Their duties and responsibilities are set down, whereas journalists can learn from the guidelines what they can expect from the judiciary.

The court management is responsible to monitor proper compliance with the guideline. Complaints, from either journalists or the judiciary, should be resolved amongst the court management, spokesperson, media officer and journalist themselves since a more informal way of resolution would be best. It's advisable to create a procedure for that and make that procedure public.

<u>Meetings</u>

Journalists should feel free to ask all the questions they have. Therefore, they need easy access to the media office and the spokespersons. Having regular meetings will contribute to a good understanding. In those meetings journalists and media officers/spokespersons can discuss daily business, like facilities and exchange experiences. It's also a good place to solve possible problems together.

In order to get a better understanding on how journalists operate, for spokespersons, media officers, but also for judges and prosecutors it's helpful to visit the media and to talk with the journalists about their work.

Not all journalists have enough legal expertise to report on court cases. To increase the knowledge of journalists on legal terms and procedures, regular workshops on specific topics are helpful. For example, in cooperation with universities, the Justice Academy or with the judges and prosecutors themselves.

<u>Website</u>

It's important that all courts and prosecutors' offices have a website. For the benefit of trust, it's essential that in general the websites from all courts have the same look and feel so that it is clear to the public that they are dealing with an official website (corporate design).

The news on the website must be up to date. The website should contain at least the latest news, the courts program, verdicts and summaries of verdicts.

Press releases

It's essential to publish press releases with a summary of the verdict in every case which is of public interest or with a high risk of damaging the image and reputation of the judiciary. Other topics for press releases are for example an overview of important cases/trials during the last year, statistics on court/prosecution personnel, presentation of policy priorities for the coming year.

The press releases can be spread by e-mail, social media and on the website. What will be communicated externally should also be available internally. That's why it is necessary to publish the press releases also on the intranet at the same time.

Q&A's

Q&A's on important cases and topics are helpful in giving the journalists and the public the right information. It's information directly from the source.

The Q&A's can be published via e-mail and on the website, via social media and the intranet.

Court program

For journalists it's helpful if they can consult the schedule of hearings every week, if possible, by receiving the courts program by e-mail.

Glossary

It's worthwhile to develop a glossary in which legal terms are being translated into clear language. Journalists and the public can use the glossary to get a better understanding of the verdicts. Also, judges can make use of the glossary because it will help them to write verdicts in a clear language.

Publishing the glossary on the courts' websites, gives everyone easy access to an updated version.

Publish judgements immediately after they are public

Judgements in high publicity cases should be published immediately after the pronouncement of the verdict. By doing so, the press and the public can read the judgement by themselves.

Education

It would be of great help to explore the possibilities for collaboration with the Faculty of Journalism of the university. Perhaps they can fit the topic of court reporting into their educational schedule.

A special program at the Justice Academy and GPO on communication would help new judges and prosecutors to feel more comfortable communicating with the media and the public. A special training on how to act in a public hearing is also advisable.

Facilities for the press in the court hall and in the court rooms

Good writing desks, WIFI-connection, general information and the court program should be available in the press room.

Activities for increasing awareness on external communication

Internal awareness campaign

Every employee of the court/prosecutor's office is an ambassador of the judiciary.

Every employee of the court/prosecutor's office helps to create a certain image. It's important to make all judges, clerks and prosecutors aware of that via an internal campaign. The awareness is a precondition for a sustainable relationship to the media and to the public. The spokespersons and the media officers play an important role in raising the awareness, but they should be backed up by the management.

In such a campaign the first step would be to inform all the employees on the topic, e.g. by intranet, meetings and events. The next step would be to get them involved. That goal can be reached e.g. by workshops, discussions.

Good internal information structure

For professional press relations it is of the utmost importance that the court/prosecution office agrees on a good internal information procedure: who talks to whom and when. A good structure should stop the current practice of judges and prosecutors talking to journalists themselves. All the information to the media will be presented by the media office and spokespersons. On request of the media office, judges and prosecutors cooperate under every circumstance by sharing information with them on cases of interest to the public. They also should be stimulated to do so on their own initiative.

It's essential to realize that there is no good external communication possible without good internal communications. What you tell outside to the media, needs to be known by the people who work inside the court/prosecution office. You have to share inside as well, at least in the same time, so that the clerks, judges and prosecutors don't have to learn from the media what the news is in their organisation.

A good and up to date intranet is very helpful for internal communication purposes. On the intranet, the media office can share information on ongoing trials, share internal news.

Media clippings

To stimulate judges and prosecutors in their external orientation, a daily collection of media clippings is useful. There can be a local one, on own court cases, but it's also advisable to have a national one on national topics in the judiciary.

Activities to professionalize the press relations

It is of the utmost importance that every employee of the court realizes that he or she is communicating every day with the public and supports the image of the judiciary. In fact: everyone is a spokesperson.

Institutionalization of spokesmen system

Because of the rotation or retirement for judges and prosecutors, courts and prosecution offices can lose well-trained spokespersons. That's why it's important to create a system in which the successors' and deputies planning is ensured.

Recruitment of media officers and spokespersons

The duty of the spokespersons and media officers is to ensure that the press is informed properly. It requires special skills to become a professional spokesperson or media officer. It's is not a job you can do without any knowledge of internal and external communication. Furthermore, the jobs need a special attitude:

spokespersons and media officers need to see the importance of being present when needed. And of course, you need incentives like a reduction of the normal workload.

When recruiting, it's very helpful to have a national job description in which all the needed skills are listed. Important qualifications for a spokesperson are:

- understands the importance of public scrutiny and the role of the media;
- has knowledge of the political landscape and on the way how media work;
- is able to explain complex issues in a clear way;
- is able to contribute to raising awareness amongst colleagues on the importance of publicity;
- is flexible and immune to stress.

Of course, the media officers and spokespersons should have regular trainings, perhaps on a national level so that they can exchange experiences with their colleagues from other cities.

Handbook

Also, the development of a handbook for press relations could be of great help. The handbook will lead to a more uniform procedure in press relations by sharing experiences from all over Azerbaijan. Topics for the handbook are: how to handle with issues regarding the press guidelines, the meaning of the presumption of innocence, the media landscape in Azerbaijan, an overview on who does what and where in the courts of Azerbaijan.

Checklists

It's really useful for media officers to work with checklists. For example, on how to handle big, media sensitive cases. The checklist contains a list of what needs to be

done when, by whom and how. Also, a checklist for judges and prosecutors can be developed to support them in acting in high profile and media sensitive cases.

Crisis communication

Supporting public trust and confidence in the judicial system is a key function for courts, judges and prosecutors. Reputation is especially in crisis situation endangered. All crises have one thing in common: they require quick, decisive, professional contact with the media and interested parties. Therefore, the judiciary must be well prepared for a crisis. Everyone has to know what to do, whom to inform in which time in such a case. And the crisis situation should be trained on a regular base to identify problems in the communication.

3.2 Improve relations between the judiciary and the public

Goals	Activities	By whom	Frequency
Transparent and visible judiciary	Every court organizes an open day for the public (e.g. "theatre trials") Media communication offices shall organise activities that presents the public that courts are judging open to the public and activities that introduce the courthouses to the public	Judiciary Media communication office	Every 2 years
	Visits of judges/prosecutors to schools to explain judicial procedures and laws	Judges and prosecutors	A few times per year

Establish a team of judges, prosecutors, clerks, spokespersons and media officers to guide the students and explain on court proceedings ("moot courts")	Judges, prosecutors, clerks, spokespersons and media officers	A.s.a.p.
Invite schools to courts: attending cases and explanation of court proceedings Invite university students to media communication offices: attending cases and explanation of court proceedings or even internships	Judges and prosecutors	As many as possible
Twitter account for every court and prosecutor's office Increase the social media usage of every court and prosecutor's office	Media offices	24/7
A website for every court and prosecutor's office with updated info/videos on upcoming court cases and verdicts To publish the up to date information given by the media communication office and press releases at the website	Media offices	24/7

	Judges / prosecutors attend public TV- broadcastings	Judges, prosecutors	Ongoing
	Nationwide information material like brochures, leaflets and videos to explain the work of judiciary	MoJ and GPO in collaboration with communication specialists In courthouses where a media communication office exists	Revision every three years If required
Understandable judiciary	Trainings for judges to improve their skills to explain verdicts in a way the public understands it To organise activities in order to increase the understanding of the judge's verdicts by the public	Professional teachers, judges Judges and Justice Academy	Every year Periodically
	Oral verdicts in understandable language	Judges in cooperation with media officers	Ongoing
	Explore the possibilities of allowing media to make recordings of (part of) court sessions	Courts, MoJ	Ongoing

3.2.1. Explanatory remarks

Activities for transparent and visible judiciary

Open days/school visits

It is of great importance to open up the judiciary for the public to create transparency and therefore generate trust in the judiciary. For example, visits of schools to courts to attend cases and explanation of court proceedings or visits of judges and prosecutors to schools to hold presentations give young pupils a first picture of judiciary. It is a chance to get in touch with the public at an early stage and to establish a positive image of the judiciary. In addition, it is a good career orientation for young people. Working with school students on selected topics generates trust in the judiciary and could provide a sustained boost to the image.

Open days in court houses and visits by the public encourage the understanding of the judiciary and deepen the trust in what the judiciary stands for. Therefore, it is necessary that a team of judges, prosecutors, clerks, spokespersons and media officers is established to guide the people and explain on court proceedings. This team should be trained to answer questions in an appropriate way. According to the information of the stakeholders the public is not aware that the court houses are open for the public, so these events are a good opportunity to demonstrate openness of the judiciary.

Website and social media

Everyone should have access to information on important judiciary issues. In high profile cases verdicts and important decisions by the prosecution should be published on the internet, via Twitter or other social media with a link to the press release on the website. It is the task of the media offices to provide the information rapidly via digital media channels.

Information material

Information material to explain the work of the judiciary should be developed and not only provided in court houses but also to the public e.g. universities, libraries and public authorities. Everyone should have the opportunity to get to know more information on the judiciary.

Activities for an understandable judiciary

Clear language

Verdicts should be written and spoken in comprehensible and understandable language so that the general public can follow. This is of utmost importance to gain the confidence of the public in the judiciary.

Recordings

To allow media to make recordings of (part of) court sessions helps to make the public more familiar with the judiciary topics. Furthermore, it shows that the judiciary has nothing to hide. That is "Justice must be done and must be seen to be done" in an ideal way.